

Protection Order Committee  
Judicial Conference of Indiana

**Minutes**

August 27, 2010

The Protection Order Committee met at the Indiana Judicial Center on Friday, August 27, 2010 from 12:30 p.m. – 3:15 p.m.

1. Members present. David Bonfiglio, Therese M. Brown, David J. Certo, Stephen D. Clase, John D. Kitch, Jose D. Salinas, Ronald T. Urdal and Christopher A. Newton, Chair.
2. Staff present. Jeffrey Bercovitz and Tom Jones provided the committee with staff assistance.
3. Guests. Patrick Hess, Consultant, Entara Tech, JTAC; and Mary DePrez, Director and Counsel, Trial Court Technology, JTAC, Division of State Court Administration were also present.
4. Minutes approved. The minutes for the meeting on June 25, 2010 were approved.
5. Protection Order Deskbook. Committee members reviewed and made final revisions to the Protection Order Deskbook, focusing on references to the legislation requiring the use of the Protection Order Registry.
6. Protection Order forms. Members of the committee:
  - a. Revised the petition for a protection order, PO-0100.
  - b. Discussed how the revision to the protection order statutes has made PO-0114 obsolete.
7. No Contact Orders. Mary DePrez reported many No Contact Orders have no expiration date on them. This is problematic when NCIC asks if these orders are still in effect. Pat Hess noted the Protection Order Registry permits courts, as an option, to put in expiration dates for No Contact Orders. It was noted the No Contact Orders themselves have language indicating expiration, but not a date. Members of the committee agreed to send a letter to all courts with JTAC recommending that going forward the use of an expiration date for No Contact Orders and that courts enter an expiration date for previously entered orders.
8. Confiscated firearms. Jeffrey Bercovitz said a judge recently called with a research question concerning the return of firearms surrendered as part of a protection order. The Sheriff had contacted the local judge and asked for the court to send notice to the gun owners about the return of their weapons because the storage of the weapons was becoming problematic. Committee members said (a.) there were no statutory provisions under the protection order statutes for the court to send notice to respondents in protection order cases about the expiration of the protection order and return of a surrendered weapon, (b.) the Sheriff should seek legal advice about this issue, (c.) civil forfeiture statutes may apply and (d.) abandoned property rules may apply.

9. Protection Order Registry (POR) update. Mary DePrez reported the POR received grant monies for the following projects: (a.) A victim notification project would permit, if the Confidential Form is modified, a victim to request notification via email, fax or text when an Ex Parte Protection Order or a Protection Order after a hearing is issued or served; (b.) A Public Access project would permit members of the public to have access to permit a member of the public to determine if a Protection, No Contact or Workplace Violence Restraining Order has been issued; (c.) A project to permit a court to issue Spanish versions of Protection, No Contact or Workplace Violence Restraining Orders and petitions is occurring; and (d.) The POR and Odyssey interface is continuing with about 8800 transactions so far.
10. Future meeting dates.
  - a. Judge Newton noted Magistrate Clase and Referee Garza are leaving the committee. He thanked them for their service.
  - b. Committee members agreed to meet again on Friday, October 29, 2010 from 12:00 Noon – 3:30 p.m. and Friday, January 28, February 25, March 25, April 29, June 24, and August 26, 2011, from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center. The February meeting would not be held if the committee met in January.

Respectfully submitted,

Jeffrey Bercovitz, Director  
Juvenile and Family Law